

JOE WARDY  
MAYOR

JOYCE WILSON  
CITY MANAGER



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MAY 24, 2005  
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:12 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., John F. Cook, Presi Ortega, Jr., Paul J. Escobar, Vivian Rojas, and Anthony W. Cobos. Absent: None. Late arrival: Jose Alexandro Lozano at 9:20 a.m. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATION**

***NATIONAL SENIOR HEALTH & FITNESS DAY***

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Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **DELETE** the speech presentation regarding the need for salary increases for City Representatives and the Mayor of the City of El Paso. [Anita Blair]

Representative Lozano was not present for the vote.

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**NO ACTION WAS TAKEN** regarding the following item: The environment and neighborhood parks.  
[Esther Perez]

Ms. Esther Perez commented.

Mayor Joe Wardy commented.

The following City staff members commented:

1. Ms. Lisa Elizondo, City Attorney
  2. Ms. Joyce Wilson, City Manager
  3. Dr. Norman Merrifield, Director of Parks and Recreation
  4. Mr. Juan Contreras, Perspectiva + 3 D/I
- .....

Item: Discussion and action: Confiscated video game machines, cash, employee time cards, computer hard drives, merchandise, receipts and other documents. [Thurman Reynolds]

Ms. Theresa Caballero, attorney representing several game room business owners, commented and stated for the record “that one of her clients had met with Chief Wiles in February and it was Chief Wiles who had told her client that he was doing a great job. Additionally, three of her clients were clearly told that they were given the “go ahead” and let the record be clear, Chief Wiles can call her clients liars, but in fact, this is what happened and in fact, they put a lot of money and invested in these businesses and in fact, they believed that what they were doing was correct by virtue of what the Police Department had informed them.”

Mayor Joe Wardy and Representatives Austin, Cushing, Lozano, Cook, Escobar and Cobos commented.

The following City staff members commented:

1. Ms. Lisa Elizondo, City Attorney
2. Mr. Ernesto Rodriguez, Assistant City Attorney
3. Chief Richard Wiles, El Paso Police Department

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **SEND** the issue of game machines to a City Attorney’s Office Legislative Review Committee Meeting specifically looking into an ordinance similar to the City of Kingsville.

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Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the **CONSENT AGENDA** unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meetings of April 5 (corrected), April 26 (corrected), and May 17, 2005; and the Minutes for the Special City Council Meeting of May 15, 2005 (Resolutions canvassing the 2005 General Election votes and calling runoff election).

Representatives Ortega, Rojas and Cobos were not present for the vote.

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**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AFFIDAVITS REQUIRED FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MATCHING FUND ADJUSTMENT FOR ECONOMICALLY DISADVANTAGED COUNTIES FOR TXDOT TRANSPORTATION PROJECT APPLICATIONS FOR FISCAL YEARS 2005-2006.**

**WHEREAS**, the State of Texas, 75<sup>th</sup> Legislature, enacted legislation providing for an adjustment to the usual matching fund requirements for Texas Department of Transportation (TXDOT) transportation projects for Economically Disadvantaged Counties; and,

**WHEREAS**, TXDOT identifies the counties that qualify for Economically Disadvantaged Counties (EDC) status from data obtained from the Texas Comptroller of Public Accounts on an annual basis; and,

**WHEREAS**, El Paso County has been identified by TXDOT as an Economically Disadvantaged County; and,

**WHEREAS**, TXDOT requires that the principal elected official for the applicant transportation project of the EDC must submit an Affidavit with each application; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign affidavits required for the Texas Department of Transportation matching fund adjustment for economically disadvantaged counties for TXDOT Transportation Project applications for the years 2005-2006.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a COPS Grant, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$295,993.00 from the U.S. Department of Justice, for a COPS Technology Interoperability project to update the existing AFIS system by increasing the capacity of the system and networking into the department and other area agencies, expand the E-Ticketing project, for the purchase of the Two-Finger Fast Id devices, Livescan technology and integration with the Records Management System; authorizing the Chief of Police to sign any related paperwork, including all understandings and assurances contained therein, and apply for , accept, reject, alter, or terminate the grant and authorize budget transfers; submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a COPS Grant, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$246,661.00 from the U.S. Department of Justice, for a COPS Technology project to update the existing AFIS system by increasing the capacity of the system and networking into the department and other area agencies, expand the E-Ticketing project, for the purchase of the Two-Finger Fast Id devices, Livescan technology and integration with the Records Management System; authorizing the Chief of Police to sign any related paperwork, including all understandings and assurances contained therein, and apply for , accept, reject, alter, or terminate the grant and authorize budget transfers; submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.

\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Piña, Marco – Firefighter

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Recreation Leader III (11)  
Recreation Leader II (40)  
Fund Source: 51150056-10041-71000G7130CD0005
- B. Recreation Leader II (1)  
Fund Source: 51510073-16308-51052P0008-UF
- C. Recreation Leader II (1)  
Fund Source: 51510115-16312-51058P0011-UF
- D. Recreation Leader II (4)  
Fund Source: 51510075-16338-51063-UF
- E. Recreation Leader III (1)  
Recreation Leader II (2)  
Fund Source: 51510076-16339-51064-UF

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the Staffing Table Change for Fire

Add	1.00	Training Specialist	PM 74
Delete	1.00	Firefighter	FS 1

Fund Source: 62620010-40101-62040

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the Staffing Table Change for Performing Arts & Culture

Delete	1.00	Arts Audience Development Coordinator	PM 73
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Fund Source: 55010303-15707-55000

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the Staffing Table Change for Solid Waste Management

Add	5.00	Cashier I	GS 12
Delete	5.00	Landfill Attendant	GS 12
Add	1.00	Laborer	GS 07
Delete	1.00	Sanitation Worker	GS 09

Fund Source: 34010296-40403-34000

Add	3.00	Laborer	GS 07
Delete	3.00	Sanitation Worker	GS 09

Fund Source: 34010293-40403-34000

Representatives Ortega, Rojas and Cobos were not present for the vote.

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 \*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE, AS REVISED**, installation and power of residential street lights at the following locations:

Eight (8) Street Lights in the San Juan Area at various locations as per below addresses (as per drawing) in the amount of \$5,047.00

1.	Between 6285 & 6291 Yandell Drive	\$ 899.00
2.	Between 6257 & 6275 Tampa Avenue	\$ 899.00
3.	Between 6220 & 6224 Welch Avenue	\$ 464.00
4.	Two at Welch St. lights between Frederick Rd. & Clark Rd. as per drawing	(2 @) \$ 464.00
5.	Two at Welch St. lights between Glenwood St. & Frederick Rd. as per drawing	\$ 464.00 & \$929.00
6.	Between 400 & 402 Frederick Road	\$ 464.00
	Total:	\$5,047.00

Funding from Account #508036; Fund #07682; Project #G7128CD0023

Representatives Ortega, Rojas, and Cobos were not present for the vote.

NOTE: Request was revised to delete the maintenance of the residential street lights at the locations above.

Representatives Cushing, Lozano, Austin and Cobos commented.

Representative Lozano stated for the record that the street lights should not be a case of lame duck.

Representative Austin read the lame duck provisions into the record.

The following City staff members commented:

1. Mr. Rick Conner, City Engineer, requested that the Council Members postpone the above item for three weeks as the total amount exceeded the \$3,000 during lame duck.
2. Ms. Terri Cullen-Garney, Deputy City Attorney, read the agenda item into the record.
3. Ms. Joyce Wilson, City Manager
4. Ms. Lisa A. Elizondo, City Attorney

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the request to allocate \$3,000 from District 1 discretionary funds to the City of El Paso Parks and Recreation Department to assist with the costs of the 2005 Club Rec. Program at Roberts Elementary School. [Dept. ID 0101000, Fund 01101, Acct. 504420]

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of Ascarate Elementary School to hold an End of Year Color Day Parade on May 27, 2005 from 9:00 a.m. to 10:00 a.m. Route: Start at back of school yard – 7090 Alameda Ave to George Orr, turn right on George Orr to Granite, turn right on Granite to Red Robin, turn right on Red Robin to Sparrow, turn right on Sparrow to George Orr, turn left on George Orr and finish at Ascarate Elementary School. Approximately 600 persons, 5 vehicles will take part and 200 spectators are anticipated. PERMIT # 05-052 [Grace Martinez]

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of Catholic Community of Corpus Christi to hold a procession on May 29, 2005 from 6:00 p.m. to 8:00 p.m. Route: Start at 451 Mockingbird to North Loop, turn right on North Loop to Tenango and finish at Corpus Christi Parish. Approximately 400 persons, 1 vehicle and 2 golf carts will take part. This request includes permission to use amplification (2 microphones and 2 speakers). PERMIT # 05-054 [Mike Garcia]

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of Constance Elementary School to hold an end of the year parade on May 27, 2005 from 10:15 a.m. to 10:45 a.m. Route: Start at school parking lot – 7755 Franklin Dr., turn right on Franklin Dr. to Franklin Loop, turn left on Franklin Loop and circle around to Franklin Dr., turn right on Franklin Dr. to Barton, turn right on Barton to Franklin Dr., turn left on Franklin Dr. and finish at the school. Approximately 460 persons, 3 vehicles will take part and 100 spectators are anticipated. PERMIT # 05-058 [Nellie Morales]

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **APPROVE** the request of San Juan Bautista Catholic Church to hold a procession on May 29, 2005 from 6:30 p.m. to 8:00 p.m. Route: Start at 5647 Dailey to Glenwood, turn left on Glenwood to Tamburo, turn right on Tamburo to Frederick, turn left on Frederick to Cleveland, turn right on Cleveland to Clark, turn left on Clark to Trowbridge, turn right on Trowbridge to Geronimo, turn right on Geronimo to Yandell, turn right on Yandell to Frederick, turn left on Frederick to Ybarra, turn right on Ybarra to Glenwood, turn left on Glenwood to Dailey, turn right on Dailey and finish at the church. Approximately 200 persons will take part. This request includes permission to use amplification (1 p.a. system – 150 watts and 2 microphones). PERMIT # 05-057 [James P Martin]

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made Representative Escobar, seconded Representative Lozano and unanimously carried to **DELETE** the introduction of an Ordinance amending Chapter 2.64 (City Employees' Pension Fund) of the El Paso Municipal Code regarding amendments proposed by tax attorneys.

Representatives Ortega, Rojas and Cobos were not present for the vote.

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Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representatives Ortega, Escobar, Rojas and Cobos were not present for the vote.

- A.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to SFPP, L.P., a subsidiary of Kinder Morgan, G.P., Inc., land totaling approximately 35 acres out of a portion of Tract 5D, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a portion of Tract 1, Section 28, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in northeast El Paso near Ashley Road and Dyer Street.
- B.** An ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow Away Zone), of the El Paso Municipal Code, to delete the Subsection identifying the No Stopping or Standing Tow-Away Zone on Overland Avenue, South side only, between Ochoa Street and Virginia Street. The Penalty as Provided in Section 12.84.010 Of the El Paso Municipal Code.
- C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III, Parking Prohibited At All Times on Certain Streets), of The El Paso Municipal Code, To Add A New Subsection Parking Prohibited at All Times on the East Side of South Virginia Street from Overland Avenue South to the Railroad Tracks. The Penalty as Provided in Section 12.84.010 Of the El Paso Municipal Code.
- D.** An Ordinance amending Chapter 2.64 (City Employees' Pension Fund) of the El Paso Municipal Code regarding the definition of final pay in the pension calculation.

**PUBLIC HEARING WILL BE HELD ON JUNE 7, 2005 FOR ITEMS A – D**

- E.** An Ordinance changing the zoning of a portion of Lot 75, Block 246A, Vista Del Sol Unit Eighty-Nine, El Paso, El Paso County, Texas from [R-3 (Residential) to A-2 (Apartment)]. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Claudia J. Sanchez. ZON04-00098

**PUBLIC HEARING WILL BE HELD ON JUNE 14, 2005 FOR ITEM E**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Item: Discussion and action to instruct the City Manager to either: 1) make full and complete payment of outstanding invoices for services performed for the City of El Paso by a legitimate vendor, or, in the alternative, 2) provide complete and unambiguous written response to the vendor setting out the alleged reason/s for the non-payment of the invoices. Absent immediate and proper remedial action/s in this area on the part of the City Manager, the City could be subjected to undue and unnecessary public criticism.

Representatives Cushing and Cook commented.

Representative Cushing read the motion into the record.

Ms. Joyce Wilson, City Manager, commented.

Mr. Jorge Artalejo, citizen, commented.

Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **INSTRUCT** the City Manager to reduce to writing her statements here at Council today and provide it to the vendor so we can see this thing brought to a successful conclusion.

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Motion made by Representative Cushing, seconded by Representative Cobos and carried to **POSTPONE TWO (2) WEEKS** the discussion and action to direct the proper distribution of monies commonly referred to as "Palo Verde Rewards", in an amount of \$5.8 million dollars, and to evaluate the utilization of the Housing Authority of the City of El Paso (HACEP) as a source for distribution of a part of said funds, not to exceed 50%, since the HACEP serves as the most prominent and distinct institution, with the necessary existing resources and infrastructure, to execute part of these funds, not to exceed 50% to the intended benefit of ". . . low income customers of El Paso Electric Company . . .", absent the current existence of the intended recipient for such funds or any existing successor entity.

To additionally direct the proper distribution any remaining monies, to assist small business and commercial customers for demand side management programs, consistent with the intent of the agreement for said monetary distribution, and to prohibit the utilization of any such remaining monies for any public or quasi-public projects.

Any distributions as set forth would be subject to the direction and approval of the Mayor and City Council.

AYES: Representatives Austin, Cushing, Ortega, Rojas and Cobos

NAYS: Representatives Cook and Escobar

NOT PRESENT: Representative Lozano

Mayor Joe Wardy and Representatives Cushing, Cook, Cobos, and Austin commented.

The following City staff members commented:

1. Ms. Lisa Elizondo, City Attorney
2. Ms. Carmen Arrieta-Candelaria, Comptroller, gave a Powerpoint presentation. (on file in the City Clerk's Office)
3. Mr. Bill Studer, Deputy City Manager for Financial and Administrative Services
4. Ms. Joyce Wilson, City Manager
5. Mr. Jorge Villegas, Assistant City Attorney

The following members of the public commented:

1. Mr. Norman Gordon, outside counsel, responded to questions and/or comments of the Council.
2. Mr. Richard Schecter
3. Ms. Lisa Turner
4. Mr. Vince Dodd, Interim President/CEO, of the Housing Authority of the City of El Paso
5. Mr. Charles R. King
6. Ms. Sophia Moreno, Executive Director of Project Bravo
7. Mr. Jorge Artalejo
8. Mr. Richard Turner, representing the El Paso Electric Company

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Motion made by Representative Cushing, seconded by Representative Cobos and carried to **POSTPONE TWO (2) WEEKS** the discussion and action on a resolution to authorize the City Manager to accept approximately \$5.8 million in Palo Verde Rewards from the El Paso Electric Company, determine how the Palo Verde Rewards will be used, and establish any requisite criteria for directing the use and accounting of the Palo Verde Rewards.

AYES: Representatives Austin, Cushing, Ortega, Rojas and Cobos  
NAYS: Representatives Cook and Escobar  
NOT PRESENT: Representative Lozano

See discussion on previous item as both items were discussed together.

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**ORDINANCE 16055**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040 (SCHEDULE IV, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS), PARAGRAPH J (NO PARKING 7:00 A.M. TO 4:00 P.M.), OF THE EL PASO MUNICIPAL CODE, TO AMEND SUBSECTION 4 TO READ FRANK CORDOVA CIRCLE (NORTH ENTRANCE), FROM FIREHOUSE DRIVE TO A POINT 750 FEET EAST THEREOF, BOTH SIDES, ALL OF MIKE ANDRADE PLACE, ALL OF LUIS GOMEZ PLACE, AND AT THE FOLLOWING PROPERTIES IN THE FRANK CORDOVA CUL-DE-SAC; 12121, 12125, 12127, AND 12129. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mayor Joe Wardy and Representatives Cushing, Escobar, Ortega, Rojas and Cobos commented.

The following City staff members commented:

1. Mr. Rick Conner, City Engineer, responded to questions and/or comments of the Council
2. Ms. Joyce Wilson, City Manager

The following members of the public commented:

1. Ms. Maria Contreras
2. Ms. Patsy Nieto
3. Ms. Genae Flores
4. Ms. Susan Zavala
5. Ms. Linda Fierro
6. Mr. Ron Peña
7. Mr. Joe Baez

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Escobar, seconded by Representative Rojas, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Members Lozano and Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **POSTPONE FOUR (4) WEEKS** an Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and the Humane Society of El Paso, Inc. which will allow for the City to convey property commonly known as 211 and 325 Shelter Place, El Paso, El Paso County, Texas, including the improvements thereon.

Representatives Ortega, Rojas and Cobos were not present for the vote.

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\*Motion made by Representative Escobar, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK** an ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, Section 10, Commission Recorder, to clarify disciplinary procedures.

Representatives Ortega, Rojas and Cobos were not present for the vote.

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**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso City Council hereby renames a portion of Solitude Court beginning at its intersection with Star View Drive and continuing to its terminus 171.33 feet east more or less, to Pleasant View Court, and authorizes the Mayor to take any and all action necessary to effectuate such renaming. The entire length of Solitude Court hereby renamed is located within the City of El Paso, El Paso County, Texas.

Mr. Rudy Valdez, Chief Urban Planner, responded to questions of Representative Austin.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution.

Representatives Lozano, Ortega and Rojas were not present for the vote.

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**ORDINANCE 16056**

The City Clerk read an Ordinance entitled: **AN ORDINANCE INCORPORATING THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD WESTSIDE MASTER PLAN AS A SPECIFIC STUDY AREA PLAN INTO THE CITY'S COMPREHENSIVE PLAN, THE PLAN FOR EL PASO, AND WHICH PLAN SHALL AMEND THE PLAN FOR EL PASO AND THE YEAR 2025 GENERAL LAND USE MAP INCORPORATED THEREIN.**

The following City staff members commented:

1. Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation and presented to the Council revisions to Exhibit "A" and the ordinance language. He responded to questions and/or comments of Mayor Joe Wardy and Representatives Cushing and Austin.
2. Mr. Matt Watson, Assistant City Attorney, read revisions into the record and responded to comments of Mayor Joe Wardy and Representative Austin.

The following members of the public commented:

1. Mr. Richard Schechter
2. Dr. Rick Bonart

The City Clerk called for further public comment. There was no further public comment.

**1<sup>ST</sup> MOTION:**

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to **AMEND** the ordinance by replacing Exhibit "A" with the revised Exhibit "A".

Council Members Lozano, Ortega and Rojas were not present for the vote.

**2<sup>ND</sup> MOTION:**

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **AMEND** the ordinance by revising Exhibit "A" as follows:

At the end of Paragraph 1 of the ordinance language add the following language:

"Figure 3 in Exhibit A shall be revised to be consistent with the Open Space Designations in Figure 4".

Council Members Lozano and Ortega were not present for the vote.

**3<sup>RD</sup> MOTION:**

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **AMEND** the ordinance by adding the following language to the Ordinance recitals, to the end of the fifth **"WHEREAS"** paragraph after the words "Plan of El Paso":

"and that all future land sales containing portions of the subject tract should conform to the study area plan or else include covenants effectuating the study area plan; and"

Council Members Lozano and Ortega were not present for the vote.

**4<sup>TH</sup> AND FINAL MOTION:**

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: None

NOT PRESENT FOR THE VOTE: Council Members Lozano and Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS AMENDED**.

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**ORDINANCE 16057**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 17-20, BLOCK 52, BASSETT ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM [M-1 (LIGHT-MANUFACTURING) TO A-3 (APARTMENT)]. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and responded to Representative Cobos' question.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Austin, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cook, Escobar and Cobos  
NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Members Cushing, Lozano, Ortega and Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16058**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00010, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 17-20, BLOCK 52, BASSETT ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

See discussion for Ordinance 16057.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Austin, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cook, Escobar and Cobos  
NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Members Cushing, Lozano, Ortega and Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16059**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00011, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS THE EAST 15 ½ FEET OF LOT 20 AND THE WEST 19 FEET OF LOT 21, BLOCK 32 FRANKLIN HEIGHTS ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, stated there was no opposition to the special permit.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos

NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Members Lozano and Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16060**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 1, WHITFIELD UNIT TWO, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO R-3 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Austin commented.

Mr. Rudy Valdez, Chief Urban Planner, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Members Lozano and Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16061**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO O.P.E.P. INCORPORATED TO TEMPORARILY CLOSE A PORTION OF OCHOA STREET BETWEEN FIRST AVENUE AND PAISANO DRIVE FOR A "FOAM PARTY MEMORIAL DAY CELEBRATION" ON SUNDAY, MAY 29, 2005 AND MONDAY, MAY 30, 2005.**

Representative Cobos commented.

Mr. Rudy Valdez, Chief Urban Planner, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Escobar, Rojas and Cobos  
NAYS: None Absent: None  
NOT PRESENT FOR THE VOTE: Council Members Lozano and Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ADDITION TO THE AGENDA**

**NO ACTION WAS TAKEN** regarding the discussion and action on the use of District # 7 Discretionary funds to pay for an airline ticket for one resident of the Cedar Oak area to attend the TDHCA public hearing in Austin next Thursday, May 26, 2005.

Representatives Rojas and Cushing commented.

Representative Rojas moved to approve the use of District # 7 Discretionary funds to pay for an airline ticket for one resident of the Cedar Oak area to attend the TDHCA public hearing in Austin next Thursday, May 26, 2005. Representative Cobos seconded. No roll call was taken.

Ms. Lisa Elizondo, City Attorney, gave legal advice.

Mayor Joe Wardy requested that Representative Rojas withdraw her motion and explained that it would be an illegal action of the Council.

Representative Rojas withdrew her motion to approve.

Mr. Richard Schechter, citizen, commented.

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**NO ACTION WAS TAKEN** regarding discussion and action on a request to allocate funds from District #7 Discretionary Funds to pay for the airline ticket for one resident of the Cedar Oak area to attend the TDHCA public hearing in Austin next Thursday, May 26, 2005.

There was no discussion.

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Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 1:14 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Representatives Lozano and Ortega were not present for the vote.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

**A. *Lilli M. Heinrich vs. The City of El Paso, et al***; Cause No. 2004-2313 in the 346th District Court. (551.071)

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to **ADJOURN** the Executive Session at 1:18 p.m. and **RECONVENE** the meeting of the City Council, during which time motions.

Representatives Cushing, Lozano and Ortega were not present for the vote.

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Motion made by Representative Escobar, seconded by Representative Rojas and unanimously **CARRIED** that the City Attorney proceed with an Appeal in the case entitled *Lilli M. Heinrich vs. City of El Paso, et al*, Cause No. 2004-2313 in the 346th District Court, as recommended by the City Attorney.

Representatives Cushing, Lozano, Ortega and Cobos were not present for the vote.

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Motion made by Representative Escobar, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 1:19 p.m.

Representatives Cushing, Lozano, Ortega and Cobos were not present for the vote.

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk